

Probate Notes for November 9, 2009

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

Case: Estate of Marilyn Mantay
Case No. CV PB 08-45

Petitioner is directed to appear.

The following are noted:

- (1) The inventory and appraisal filed on July 21, 2009, does not comply with Probate Code sections 8901 and 8902. The probate referee must appraise all property not listed in Probate Code section 8901.
- (2) The account and petition are not verified. (Prob. Code, § 1021.)
- (3) The petitioner does not identify the trustee of The Marilyn Mantay Trust. It is not known whether notice of the hearing was provided to the trustee of said trust. (Prob. Code, §§ 11000 and 11601.)
- (4) The account does not contain all of the required information and schedules. (Prob. Code, § 1060 *et seq.* and 10900 *et seq.*)
- (5) Petitioner's statements concerning a reserve are contradictory. On the one hand, the petitioner states that no reserve is needed. On the other hand, the petitioner states that the costs of a 2009 and, if necessary, a 2010 tax return have not been paid.
- (6) Petitioner did not show how the statutory compensation is calculated.
- (7) Petitioner should submit a proposed order.

CASE: Probate Conservatorship of Alfred L. Rinaldo, Sr.
Case No. CV PC 09-152

It is recommended to grant the petition for appointment of probate conservator.

CASE: Probate Conservatorship of Hermila Yuhre
Case No. CV PC 07-140

It is recommended to deny the application for writ of possession and the application for temporary restraining order. (Code Civ. Proc., §§512.010 *et seq.*)